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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 26th day of May, 1998

BEFORE

THE HON'BLE MR. JUSTICE V.P. MOHAN KUMAR

WRIT PETITION NO. 18246 OF 1992

BETWEEN :

Sri. Nagappa Basappa Kalabhavi,  
Age : Major, Occ : Agriculturist,  
R/o Balakundi Tq. Hunagund Dist.  
Bijapur, by his General Power of  
Attorney holder Sri. Hanumanthappa,  
s/o Ramajappa Rathod @ Lamani

.. PETITIONER

(Sri N. Shankar Rangareji,  
Advocate - Absent)

A N D :

1. State of Karnataka  
by its Secretary,  
Department of Revenue,  
M.S. Building,  
Bangalore
  2. The Deputy Commissioner,  
Bijapur
  3. The Assistant Commissioner,  
Revenue Sub-Division,  
Bagalkot Dist. Raichur
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4. The Tehsildar,  
Hanagund Tq. Hunagund,  
Bijapur Dist.
5. The Range Forest Officer,  
Hunagund, Tq. Hunagund,  
Bijapur District
6. Deputy Superintendent of Police,  
Bagalkot Dist Bijapur
7. Senior Geologist,  
Department of Mines and Geology,  
Bijapur

.. RESPONDENTS

(Sri T.P. Nambiar, A.C.A for respondents)

Writ Petition filed under Articles 226 & 227 of the Constitution of India, praying to; Issue a writ of mandamus or any other appropriate writ, or order or directions as deemed fit, restraining the Respondents from interfering with the petitioner's right of possession and enjoyment to excavate, remove, and transport granite found in his patta land in accordance with Section-38 of the Karnataka Land Revenue Code 1888 and Section 70 of the Karnataka Land Revenue Act and without insisting upon the payment of Royalty, in the interest of justice, etc.

This Writ Petition coming on for Hearing, this day, the Court made the following :

O R D E R

There is no representation on behalf of the

by

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the petitioner. The petitioner claims that he has absolute right of the minerals found in the land which is in his possession situated in Sy.no. 289/2 measuring 10 acres 19 guntas at Balakundi village, Ilkal Hobli, Hungund Taluk, Bijapur District. The contention of the learned Govt. Advocate is that the very land was granted for a specific purpose of agriculture and it cannot be used for any other purpose. The learned counsel for the petitioner is absent. If the facts are as alleged, there are no grounds to grant relief. Therefore the writ petition is dismissed.

Sd/-  
JUDGE



Vb/Hrp